



September 11, 2015

Via MEC Filing

The Honorable Muriel Ellis
Supreme Court of Mississippi
450 High Street
Jackson, MS 39201

Re: Wellness, Inc. v. Pearl River County Hospital, No. 2014-CA-01696-SCT

Dear Ms. Ellis:

Pursuant to M.R.A.P. 28(k), Wellness submits the following citation to a supplemental authority decided on July 13, 2015, after briefing was completed in the above captioned case.

The Brief for Appellant refers on pages 5, 6, and 12 to the question regarding the "terms and conditions" exception to contracts being spread upon the minutes.

Wellness submits for this Court's consideration an opinion from the United States District Court for the Southern District of Mississippi, Western Division: *Kennedy v. Jefferson County, Miss. ex rel. Bd. of Sup'rs*, 5:13-CV-226-DCB-MTP, 2015 WL 4251070, at *8 (S.D. Miss. July 13, 2015), which held that whether the Plaintiff satisfied the requirements of the "terms and condition" exception is a fact issue for the jury.

We thank the Court for its attention to this letter.

Yours very truly,

MITCHELL DAY LAW FIRM, PLLC



Stephen D. Stamboulieh

cc: All counsel of record (via MEC)